



**UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office**

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
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EXAMINER

ART UNIT	PAPER NUMBER
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DATE MAILED:

INTERVIEW SUMMARY

All participants (applicant, applicant's representative, PTO personnel):

(1) Mr Ebravosky (3) _____
(2) Mr Tami (4) _____

Date of Interview 8/21/02

Type: ☐ Telephonic ☒ Personal (copy is given to ☐ applicant ☐ applicant's representative).

Exhibit shown or demonstration conducted: ☐ Yes ☐ No If yes, brief description: _____

Agreement ☐ was reached. ☐ was not reached.

Claim(s) discussed: 1

Identification of prior art discussed: Seiden

Description of the general nature of what was agreed to if an agreement was reached, or any other comments: Applicant argues the guide pin & eccentric wheel are not shown in the Seiden reference. The examiner disagrees but will review the formal response filed by the Applicant.

(A fuller description, if necessary, and a copy of the amendments, if available, which the examiner agreed would render the claims allowable must be attached. Also, where no copy of the amendments which would render the claims allowable is available, a summary thereof must be attached.)

1. ☐ It is not necessary for applicant to provide a separate record of the substance of the interview.

Unless the paragraph above has been checked to indicate to the contrary. A FORMAL WRITTEN RESPONSE TO THE LAST OFFICE ACTION IS NOT WAIVED AND MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a response to the last Office action has been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW.

2. ☐ Since the Examiner's interview summary above (including any attachments) reflects a complete response to each of the objections, rejections and requirements that may be present in the last Office action, and since the claims are now allowable, this completed form is considered to fulfill the response requirements of the last Office action. Applicant is not relieved from providing a separate record of the interview unless box 1 above is also checked.

Examiner Note: You must sign this form unless it is an attachment to another form.

Carl Tami

Manual of Patent Examining Procedure, Section 713.04 Substance of Interview must Be Made of Record

A complete written statement as to the substance of any face-to-face or telephone interview with regard to an application must be made of record in the application, whether or not an agreement with the examiner was reached at the interview.

§1 133 Interviews

4) In every instance where reconsideration is requested a review of the record will be made and a complete written statement of the reasons presented at the review is submitted. Personnel action must be approved by the appropriate supervisory level and signed by the supervisor or supervisor's official action as specified in 35 CFR 26.75 and 26.76.

2. Disputes to be transacted in writing. No dispute shall be considered as having been presented or arising. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, agreement, or understanding in relation to which there is disagreement or doubt.

The action of the Patent and Trademark Office cannot be said to be arbitrary or capricious, nor is it the result of an abuse of discretion or of a clear error of judgment. The action is supported by substantial evidence.

[illegible]

Examiners must complete a two-part, typed interview record for each interview. In January 1, 1975, when a matter of substance has been discussed during the interview, in order to ensure that the interview is properly recorded, the examiner is required to complete a two-part typed interview record. Discussions regarding new procedural matters, needed only a variation of the interview record. The new recordation is otherwise provided for in Section 312.01 of the Manual of Patent Examining Procedures. In writing the procedural matters, the examiner must include in the Office action or the Ad. any guidance from the interview recordation procedures below.

The Interview Summary Form shall be given an approver initials and a number, placed in the right hand portion of the file, and listed on the "Contents" list on the file cover. The packet and serial registration card need not be approved. If the interview is conducted overseas, a certified copy of a duplicate copy of the Form is removed and given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a domestic interview, a copy is mailed to the applicant's correspondence address (either with or prior to the next official communication if address in correspondence from the examiner is not likely to be an allowance or if other circumstances dictate). The Form should be mailed promptly after the telephone interview rather than with the next official communication.

The form provides for completion of the following information:

1. Special Number of the Application
 2. Name of Applicant
 3. Name of Examiner
 4. Date of Interview
 5. Time of Interview (approximate or absolute)
 6. Name of Participant(s) Applicant, Attorney or Agent, etc.
 7. Description of the subject matter of the application with respect to which the interview was conducted
 8. Identification of the claims discussed
 9. A statement as to the specific issue or issues discussed
 10. An indication whether an agreement was reached and the description of the general nature of the agreement may be by attachment of a copy of amendments or claims agreed to (only allowable). (Agreement as to allowability in fact does not reflect further action by the Examiner to the contrary.)
 11. The signature of the examiner who conducted the interview
 12. Names of other Patent and Trademark Office personnel involved

The form also contains a statement reminding the applicant of his responsibility to record the substance of the interview.

It is desirable that the examiner orally inform the applicant of the reasons for a denial of the interview in each case unless both applicant and examiner agree that the examiner will inform him. When a denial is made, the reasons for the denial should be affirmatively recorded on the Form 2 and indicated by the Form 2 examiner's initials. When a denial is made, the Form 2 should be marked "denied" and the Form 2 submitted as a separate record of the substance of the interview.

It should be noted, however, that the interview Summary Form will not normally be considered a complete and proper recollection of the interview unless it includes, or is supplemented by the applicant or the examiner to include, an acceptable summary requested below concerning the substance of the interview:

- 1) a complete and proper description of the circumstances surrounding the alleged disclosure of information to the applicant's family;
- 2) a brief description of the nature of any exhibit shown during the deposition conducted;
- 3) an identification of the claims discussed;
- 4) an identification of specific prior art discussed;
- 5) an identification of the principal disputed matters in the case, including a preliminary opinion on the issues as described on the Interview Summary Form completed by the examiner;
- 6) a brief identification of the general thrust of the principal arguments presented to the examiner. This identification of arguments need not be lengthy or accurate. A definition of highly technical expression to be interpreted is required. The identification of the arguments is sufficient if the general nature of thrust of the principal arguments stated by the examiner can be ascertained in the context of the deposition file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she believes to be particularly persuasive or important;
- 7) a general indication of any other pertinent matters discussed; and
- 8) if appropriate, the general results or outcome of the interview already described in the Interview Summary Form completed by the examiner.

Examiners are requested to carefully review the applicant's responses to the questions and, if the responses are complete or accurate, the examiner will give the applicant a "pass" and return the application to the applicant. If the responses are incomplete or inaccurate, the examiner will give the applicant a "fail" and return the application to the applicant. The applicant will be notified of the results of the examination and the reasons for the "fail" response and hereby avoid resubmission of the application (37 CFR 1.135(c)).

EXAMINING THE INDEX OF ACCURACY

1. The examiner's responsibility of what is said during the interview is to record what is said, not to interpret or paraphrase any statement attributed to the interviewee during the interview. If there is an inconsistency between what is said in the plan of the current study, it should be pointed out in the next Office letter. If the statements are allowable for other reasons of record, the examiner should add a letter setting forth his or her version of the statement attributed to him. If the record is complete and accurate, the examiner should place the indication "Interview record OK" on the paper recording the substance of the interview along with the date and the examiner's initials.